

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, NOVEMBER 20, 2008, AT 6:00 P.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

**BOARD OF HARBOR COMMISSIONERS
President S. David Freeman
Vice President Jerilyn López Mendoza
Commissioner Kaylynn L. Kim
Commissioner Douglas P. Krause
Commissioner Joseph R. Radisich**

**A. OPENING STATEMENT – AN OPPORTUNITY FOR MEMBERS
OF THE PUBLIC TO ADDRESS THIS BOARD**

**PERSONS IN THE AUDIENCE MAY ADDRESS THIS BOARD
IN CONNECTION WITH ANY AGENDA ITEM OR DURING
THE PUBLIC COMMENT PERIOD.**

**AS PROVIDED BY THE BROWN ACT, THE BOARD HAS
LIMITED EACH INDIVIDUAL'S SPEAKING TIME TO THREE
MINUTES. ANYONE DESIRING TO SPEAK DURING THE
PUBLIC COMMENT PERIOD IS REQUESTED TO COMPLETE
A SPEAKER CARD AND SUBMIT IT TO THE COMMISSION
SECRETARY, VIA THE SERGEANT AT ARMS, PRIOR TO THE
START OF THE MEETING.**

Commission actions, except actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law, are not final until the expiration of the next five meeting days of the City Council during which the Council has convened in regular session. If the Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Please note that this agenda is subject to revision in accordance with the Brown Act. In the event the agenda is revised prior to the meeting, Port staff will endeavor to post the revised agenda on the Port's web site (<http://www.portoflosangeles.org>). Updated agendas also will be available in hard copy at the meeting. Live Board meetings can also be heard at: (213) 621-City (Metro), (818) 904-9450 (Valley), (310) 471-City (Westside) and (310) 547-City (Harbor).

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

Sign language interpreters, assistive listening devices, and translation services may be provided. To ensure availability, 72-hour advance notice is required. Contact the Commission office at (310) 732-3444.

Interpretes de señas, sistemas auditivos y servicios de traducciones están disponibles. Para asegurar disponibilidad, se requiere solicitarlos con 72 horas de anticipación. Para hacer la solicitud, llame a la oficina de la Comisión al (310) 732-3444.

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B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

C. REPORT OF THE EXECUTIVE DIRECTOR

D. REPORTS OF COMMISSIONERS

E. PRESENTATIONS

F. BOARD COMMITTEE REPORTS

G. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the regular meetings of July 17, 2008, August 7, 2008, August 21, 2008 and the special meeting of August 21, 2008, for approval.

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H. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-3)

Planning & Research Division

1. Re: RESOLUTION NO. _____ - FOR THE ISSUANCE OF A LEVEL I COASTAL DEVELOPMENT PERMIT (CDP NO. 08-09) TO THE LOS ANGELES HARBOR DEPARTMENT FOR THE REMOVAL OF THE ROCK GROIN AT THE INNER CABRILLO BEACH BOAT LAUNCH

SUMMARY: The Los Angeles Harbor Department (Harbor Department) is applying for a Coastal Development Permit (CDP No. 08-09) for the removal of the rock groin at the Inner Cabrillo Beach boat launch. Removal of the rock groin will improve water circulation along Inner Cabrillo Beach which should lead to water quality improvements at the beach. The boat launch will remain in its current location and its use will not be affected by the removal of the rock groin. Staff is recommending the Board of Harbor Commissioners (Board) approve a Level 1, non-appealable Coastal Development Permit for the proposed project.

Recommendation: Resolve that (1) the Board find that the proposed project is consistent with the Port Master Plan and the California Coastal Act of 1976, as amended; and find that this project will have no significant adverse environmental impacts as provided in the California Environmental Quality Act (CEQA); (2) the issuance of a Level I, non-appealable Coastal Development Permit (CDP No. 08-09) to the Harbor Department for the removal of the rock groin at the Inner Cabrillo Beach boat launch, be approved and granted subject to the standard conditions set forth in the permit, and the Director of Planning and Research be directed to issue said permit; and (3) Resolution No. _____ be adopted.

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Los Angeles Pilot Service

2. Re: TEMPORARY ORDER NO. _____ - INCREASING
AND AMENDING PORT OF LOS ANGELES TARIFF NO.
4, SECTION THREE, ITEM 370, CHARGES FOR VESSEL
TRAFFIC SERVICE

PERMANENT ORDER NO. _____ - INCREASING
AND AMENDING PORT OF LOS ANGELES TARIFF NO.
4, SECTION THREE, ITEM 370, CHARGES FOR VESSEL
TRAFFIC SERVICE

SUMMARY: The Vessel Traffic Service (VTS) is operated by the Marine Exchange of Los Angeles/Long Beach Harbors, Inc., and currently serves the Ports of Los Angeles and Long Beach. The VTS monitors vessel traffic within the Los Angeles and Long Beach harbors and approaches, and provides mariners with timely, relevant, and accurate information for the purpose of enhancing safe, environmentally sound, and efficient maritime transportation. The Marine Exchange of Los Angeles/Long Beach Harbors, Inc., is requesting to increase VTS User Fees by approximately seven and one-half percent, effective January 1, 2009. This proposed increase has become necessary despite substantial cost cutting efforts by the Marine Exchange (\$145,000 of a \$2,476,000 operating budget). The VTS User Fee represents a very small portion of the total cost of bringing a vessel into the San Pedro Bay port complex. The proposed increase would amount to \$26 for an average ship arrival. The fee increase will offset rising costs for computer support, maintenance, and insurance as well as a loss of revenue due to an eight percent decline in vessel arrivals for 2008. The Marine Exchange has received support for the proposed fee increase from the Pacific Merchant Shipping Association (PMSA). The Port of Long Beach received approval from the California Association of Port Authorities (CAPA) Tariff and Practices Committee and the increase was approved by the Long Beach Harbor Commission on November 10, 2008.

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2. (Continued)

Recommendation: Board resolve that (1) an Order to amend the Port of Los Angeles Tariff No. 4, revising Section Three, Item 370, Parts A – C (1-6), which sets forth rates and charges for services of Vessel Traffic Service, effective January 1, 2009, be adopted; (2) the Board Secretary be authorized to certify to the adoption of the Order by the Board of Harbor Commissioners and cause the same to be published once in a newspaper printed and published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not-to-exceed 90 days pursuant to Charter Section 653(b); (3) the Board Secretary be directed to transmit to the City Council for approval the Order and Ordinance approving and authorizing the amendments to Tariff No. 4 pursuant to City Charter Section 653(a); and (4) the Board Secretary be authorized to execute the proposed Board Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation and posting to the Port's website as regulated by the Federal Maritime Commission.

Clean Truck Program

3. RE: RESOLUTION NO. _____ - AUTHORIZE THE EXECUTIVE DIRECTOR TO APPROVE A COST SHARING AGREEMENT BETWEEN THE PORT OF LOS ANGELES AND PORT OF LONG BEACH FOR WEBTECH WIRELESS, INC.

SUMMARY: The Clean Truck Program (CTP) is a key component of the San Pedro Bay Ports Clean Air Action Plan (CAAP) that will require the entire fleet of approximately 17,000 drayage trucks serving the Port of Los Angeles and Port of Long Beach (Ports) to meet United States Environmental Protection Agency (USEPA) 2007 standards through replacement or retrofit within a period of approximately five years. The Ports have implemented a grant program that assists truck owners in replacing or retrofitting their existing fleet. To ensure that grant funded trucks can be tracked to prevent theft or misuse, and in order to protect the State and Ports sizable investment in these vehicles

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3. (Continued)

(approximately 80% of the cost of a new diesel or LNG truck) the Ports are requiring installation of Automatic Vehicle Locators (AVLs) on trucks that are leased or purchased through a grant. This letter recommends approval of the Port of Los Angeles' share (\$284,631), which is one-half of the \$569,262 WebTech Wireless, Inc. (WebTech) contract initiated by the Port of Long Beach, through a Cost Sharing Agreement developed in accordance with the Master Agreement previously entered into between the Ports (Los Angeles Agreement No. 2546) (Transmittal 1). This contract will cover the installation and monitoring of 600 trucks over the period of the loan or lease. It represents a \$1,000 per truck fee over the period of the lease or loan to ensure that these vehicles can be tracked and if necessary, disabled. A bid process was not conducted on this contract due to the time sensitivity of the procurement. Grants have been approved for approximately 300 trucks that must have AVL's installed prior to delivery. WebTech was selected as the interim technology solution because of their experience as the vendor being used by the Gateway Cities Council of Governments in their truck grant program, and a review that indicated that WebTech's pricing is consistent with that of other vendors. A Request for Proposal (RFP) is being developed to provide tracking services on grant trucks in excess of the initial 600. This contract will be submitted to the Board at a later date.

Recommendation: Board Resolve that (1) the specific Cost Sharing Agreement No. _____ regarding the services of WebTech Wireless, Inc. in support of the Clean Truck Program, between the Ports for and on behalf of the Board (Transmittal 2) be approved; (2) the reimbursement of one-half of the total cost for services provided by WebTech Wireless, Inc. for a not-to-exceed amount of \$284,631 payable through the Port of Long Beach pursuant to the Ports' specific Cost Sharing Agreement be approved; (3) funding for this action in the amount of \$284,631 available in Account No. 59967, Center No. 210, Program No. 652 be authorized; and (4) Resolution No. _____ be adopted.

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REGULAR ITEMS (4-9)

Marketing Division

4. Re: **RESOLUTION NO. _____ - PROPOSED MULTI-FACILITY INTERCONNECTION AGREEMENT BETWEEN THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER AND THE LOS ANGELES HARBOR DEPARTMENT**

SUMMARY: Alternative Maritime Power (AMP) allows vessels to be powered by shore-supplied electrical power while at berth. During a synchronized transfer of electrical power from shore-to-ship, the vessel will be connected in parallel, for a short period of time, to the electrical grid of the Los Angeles Department of Water and Power (LADWP). This activity is referred to as co-generating electricity. LADWP requires those co-generating electricity to sign a Multi-facility Interconnection Agreement. The vessel, not the Los Angeles Harbor Department (Harbor Department), is the actual co-generator in the context of the AMP program. The business decision has been made for the Harbor Department to represent the vessel and to sign the subject Agreement for vessels connecting to shore power at AMP capable berths using a synchronized transfer of electrical power throughout the Port.

Recommendation: Board resolve that (1) the proposed three-year LADWP Multi-facility Interconnection Agreement for vessels connecting to shore power at AMP capable berths using a synchronized transfer of electrical power, throughout the Port be approved; (2) the Executive Director or designee be authorized to act as the authorized representative for the purpose of adding or removing generation facilities from the Multi-facility Interconnection Agreement, as required; and (3) Resolution No. _____ be adopted.

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Construction Division

5. Re: **RESOLUTION NO. _____ - AWARD OF
CONSTRUCTION CONTRACT – CABRILLO WAY
MARINA - CONTRACTOR: GRIFFITH/DUTRA JOINT
VENTURE, SPECIFICATION NO. 2712**

SUMMARY: This contract will construct a new recreational marina on the easterly side of the West Channel opposite the existing marina. The project includes floating docks with 700 boat slips, 400 mast-up land-side boat storage spaces, boater restrooms and shower facilities, public restrooms, boater and public parking lots, trailer boat storage, a public boat hoist and launching facility, and a public promenade. The Cabrillo Way Marina project is the first new recreational marina at the Port of Los Angeles in 22 years. It will replace an existing antiquated marina which has about 520 generally smaller sized slips and insufficient parking. The lowest responsive bidder is Griffith/Dutra Joint Venture located in Santa Fe Springs, California. The contract amount plus a 5% contingency is \$130,795,114, and the contract duration is 855 calendar days. This contract is subject to a Project Labor Agreement.

Recommendation: Resolve that (1) the Board finds and determines that a Project Labor Agreement (PLA) among the City of Los Angeles Harbor Department (Harbor Department), the Los Angeles/Orange Counties Building and Construction Trades Council, and contractors working on the project, is appropriate and the PLA for the Cabrillo Way Marina, to promote labor stability and advance the City's interests in lowest cost, efficiency, quality, safety, and timeliness be approved; and (2) Resolution No. _____ to award the above-mentioned contract for Item Nos. 1 through 54 of the proposal schedule to Griffith/Dutra Joint Venture in the amount of \$124,566,775 be adopted, that a 5% contingency not included in the original contract amount be applied for a total authorized amount of \$130,795,114; that payment be authorized from the Construction Account; and the PLA be approved. The contract time for performance of the work is 855 calendar days from the Notice to Proceed; (3) the Executive Director and the Board Secretary be authorized to execute and to attest to this contract

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5. (Continued)

and the PLA for and on behalf of the Board; and (4) in accordance with City Charter 655 (g), delegate and authorize the Executive Director to adjust final bid quantities and accept the construction contract upon its completion.

**6. Re: RESOLUTION NO. _____ - AWARD OF
CONSTRUCTION CONTRACT - HARRY BRIDGES
BOULEVARD BUFFER - CONTRACTOR: GRIFFITH
COMPANY, SPECIFICATION NO. 2699**

SUMMARY: This contract will develop approximately 30 acres of land in the Wilmington area of the Port of Los Angeles as part of the Wilmington Waterfront Development Program. This project is the first element of the Wilmington Waterfront Development Program, which is part of the Los Angeles Waterfront Program, with the goal of providing public access and recreation space in the Los Angeles Harbor. The project is bounded by Harry Bridges Boulevard to the south, Figueroa Street to the west, "C" Street to the north, and Lagoon Street to the east. Work includes vacating streets, earthwork, and construction of underground facilities, pedestrian and iconic bridges, retaining walls, buildings, water features, a playground, and landscaping. The lowest responsive bidder is Griffith Company located in Santa Fe Springs, California. The contract amount plus a 5% contingency is \$57,161,102, and the contract duration is 910 calendar days. This contract is subject to the conditions of a Project Labor Agreement (PLA).

Recommendation: Resolve that (1) the Board find and determine that a Project Labor Agreement (PLA) among the City of Los Angeles Harbor Department (Harbor Department), the Los Angeles/Orange Counties Building and Construction Trades Council, and contractors working on the project, is appropriate and the PLA for the Harry Bridges Boulevard Buffer project, in that the PLA will promote Labor stability and advance the City's interest in lowest cost, efficiency, quality, safety, and timeliness

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6. (Continued)

be approved; (2) Resolution No. _____ to award the above-mentioned contract for Item Nos. 1 through 45 of the proposal schedule to Griffith Company in the amount of \$54,439,144 be adopted, that a 5% contingency not included in the original contract amount be applied for a total authorized amount of \$57,161,102; that payment be authorized from the Construction Account; and the PLA be approved; (3) the Executive Director and the Board Secretary be authorized to execute and to attest to this contract and the PLA and on behalf of the Board; and (4) in accordance with City Charter 655 (g), delegate and authorize the Executive Director to adjust final bid quantities and accept the construction contract upon its completion.

Construction and Maintenance Division

**7. Re: RESOLUTION NO. _____ - WATER
CONSERVATION GRANT APPLICATIONS**

SUMMARY: The Metropolitan Water District of Southern California (MWD) and the Los Angeles Department of Water and Power (LADWP) are currently in the process of funding water efficiency grants and rebates for the retrofit or replacement of urinals, toilets, irrigation systems, and other water related facilities with water saving devices. The Harbor Department is currently in the process of reviewing its facilities for water saving opportunities. To streamline the grant application process and maximize the Harbor Department's potential to obtain grant/rebate monies to retrofit facilities owned and operated by the Department, the Department is seeking the ability to apply for MWD and LADWP water efficiency grants and rebates as water saving opportunities are identified.

Recommendation: Board resolve that (1) the Executive Director be authorized to apply for and accept Metropolitan Water District of Southern California and the Los Angeles Department of Water and Power (LADWP) water efficiency grants and rebates; and (2) Resolution No. _____ be adopted.

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Environmental Management Division

- 8. Re: RESOLUTION NO. _____ - APPROVAL OF 46
PROJECTS UNDER THE PORT OF LOS ANGELES AIR
QUALITY MITIGATION INCENTIVE PROGRAM**

SUMMARY: In accordance with the 2004 Amended Stipulated Judgment (ASJ) for the China Shipping Terminal, Berths 97-109, the City of Los Angeles Harbor Department (LAHD) implemented a series of environmental programs designed to improve the area's air quality and quality of life. As part of the settlement, the LAHD established an Air Quality Mitigation Incentive Program (AQMIP) and committed \$20 million to pay for air mitigation projects over five years. The AQMIP will expire in June 2009. Staff recommends approval of 46 projects for a cumulative amount not-to-exceed \$13,196,925 and approval of a back-up list of projects in the event any of the 46 projects are not implemented or do not use all the available funding. Applications for projects received were reviewed by an agency Technical Advisory Committee (TAC) and selected projects were approved by the PCAC Air Quality Subcommittee, and the Port Community Advisory Committee (PCAC).

Recommendation: Board resolve that (1) the 46 Air Quality Mitigation Incentive Program projects be approved for a cumulative amount not-to-exceed \$13,196,925; (2) the Executive Director and the Board Secretary be authorized to execute and to attest to the 27 Agreements necessary to implement the 46 AQMIP projects in substantial conformance to the boilerplate agreement attached hereto; (3) the list of back-up projects, in the event any of the 46 projects are not fully funded or additional funding becomes available, be approved; and (4) Resolution No. _____ be adopted.

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9. Re: RESOLUTION NO. _____ - FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE PACIFIC L.A. MARINE TERMINAL LLC PIER 400, BERTH 408 (PLAMT) PROJECT (LAHD ADP NO. 030407 – 061; SCH NO. 1992102975)

SUMMARY: Staff recommends that the Board of Harbor Commissioners (Board) certify the Final Subsequent Environmental Impact Report (SEIR) for the Pacific L.A. Marine Terminal, LLC Pier 400, Berth 408 (PLAMT) Project in accordance with the California Environmental Quality Act (CEQA), and approve the proposed Project. The proposed Project would include construction and operation of a new marine terminal at Berth 408 on Pier 400, new tank farm facilities with a total of four (4) million barrels (bbl) of capacity, and pipelines connecting the marine terminal and the tank farms to local refineries. The terminal would be operated by PLAMT under a 30-year lease from the Los Angeles Harbor Department (LAHD). In approving the project, the Board will need to make specific Findings of Fact regarding the significant environmental impacts of the proposed Project and mitigation measures to reduce or avoid such impacts, adopt a Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program (MMRP) to track mitigation. Project benefits include: providing 732 annual construction jobs and \$455 million in construction expenditures; providing approximately 54 new jobs at maximum build out of the terminal; providing a net 212 annual operational jobs in the five county region at build out; and generating total annual tax revenues of over \$15 million.

Recommendation: Resolve that (1) the Board certify that the Final Subsequent Environmental Impact Report (SEIR) for the PLAMT Project (Transmittal 1) (a) has been completed in compliance with the CEQA of 1970 as amended, with the State CEQA Guidelines, and the Los Angeles City CEQA Guidelines; (b) was presented to the Board for review and the Board considered the information contained in the Final SEIR prior to approving the project; and (c) reflects the independent judgment and analysis of the LAHD, and that all required procedures have been

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9. (Continued)

completed; (2) the attached Findings of Fact and Statement of Overriding Considerations (Transmittal 2) be adopted; (3) the Board find that, in accordance with the information contained in the Final SEIR for the PLAMT Project, the project will have significant environmental effects on Air Quality; Biological Resources; Geological Resources; Noise; Risk of Upset and Hazardous Materials; Water Quality, Sediments and Oceanography; and Cumulative Impacts, as defined by Public Resources Code sections 21068, 21080, 21082.2, and 21083 and the State CEQA Guidelines, Sections 15064, 15064.5, and 15382. The SEIR found no significant effects for Aesthetics/Visual Resources, Cultural Resources, Land Use, Marine Transportation, Population and Housing, and Utilities; (4) the Board find that, in accordance with the provisions of the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project which substantially lessen or avoid the significant adverse environmental impacts identified in the SEIR; (5) the Board find that, in accordance with the provisions of the State CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, make infeasible certain mitigation measures and project alternatives identified in the Final SEIR. Impacts to Air Quality; Biological Resources; Geological Resources; Noise; Risk of Upset and Hazardous Materials; and Water Quality, Sediments and Oceanography; and Cumulative Impacts remain significant and unavoidable even after all feasible mitigation is adopted; (6) the Board find that all information added to the Final SEIR after public notice of the Draft SEIR availability for public review, but before certification, merely clarifies, amplifies, or makes insignificant modifications in an adequate SEIR, and recirculation is not necessary; (7) the Board find that, in accordance with Public Resources Code section 21081(b) and State CEQA Guidelines Section 15093, the benefits of the project outweigh the significant and unavoidable environmental impacts of the project, and the Findings of Fact and Statement of Overriding Considerations (Transmittal 2) be adopted; (8) the MMRP transmitted herewith (Transmittal 3) as required by Public Resources Code, Section 21081.6 be adopted.

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9. (Continued)

The MMRP is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, and identifies the responsibilities of the LAHD as lead agency, to monitor and verify project compliance with those mitigation measures and conditions of project approval; (9) the project identified in the SEIR, including all feasible mitigation measures set forth in the SEIR with consideration of the Findings of Fact and Statement of Overriding Considerations, and the MMRP be approved; (10) the Engineering Division be directed to proceed with final design and incorporate the mitigation measures, conditions, Environmental Compliance Plan requirements, mitigation monitoring/reporting plan, and Project environmental commitments into all Engineering Plans and Specifications and/or Engineering Permits for the proposed Project; (11) the Real Estate Division to be directed to incorporate, by reference, the SEIR, mitigation measures and the MMRP into any and all lease agreements or assignments encompassed in the approved project; (12) the Environmental Management Division be authorized to file the Notice of Determination (NOD) for the subject project with the Los Angeles City Clerk; and (13) the proposed Recommendations and this Resolution No. _____ be adopted.

I. DEPUTY EXECUTIVE DIRECTOR REPORT

Deputy Executive Director Kathryn McDermott.

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J. CLOSED SESSION

- 1. Discussion of pending litigation entitled: American Trucking Associations, Inc. v. City of Los Angeles, et al., United States District Court Case No. 08-04920-CAS, and the United States Court of Appeals for the Ninth Circuit Case No. 08-56503, pursuant to subdivision (a) Section 54956.9 of the California Government Code.**
- 2. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., Order of Investigation and Hearing Docket No. 08-05, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 3. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., United States District Court Case No. 1:08-CV-01895-RJL, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 4. Discussion with legal counsel concerning significant exposure to litigation [three (3) potential cases], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**
- 5. Instructions to negotiators relating to lease negotiations with TraPac, Inc. concerning a terminal permit for Berths 136-147, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for TraPac, Inc. will be Frank Pisano. The negotiators for the Port of Los Angeles will be Kathryn McDermott and Michael Galvin.**